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09/720,588	12/22/2000	Tony Richard King	5035-106-US	2502

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EXAMINER
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BATURAY, ALICIA

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/720,588

Applicant(s)

KING ET AL.

Examiner

Alicia Baturay

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☒ Claim(s) 2, 4, 7, 9, 12, 13, 19-21, 32, 34-38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/720,588.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03262001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-38 are pending.

#### *Specification*

2. The use of the trademark Indeo has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

3. The specification is objected to because of the following informalities: On page 18, line 19 Applicant states "very important *rôle*" It is believed Applicant meant to write "very important *role*." This correction is exemplary and further corrections within the specification are required.

#### *Claim Objections*

4. Claims 2 and 32 are objected to because of the following informality: they are written in an outline format ((i), (ii), etc.), and should be written in sentence form. Appropriate correction is required.
5. Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP

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§ 608.01(n). For the purpose of applying art, it will be presumed that claim 4 will be dependent on claim 3.

6. Claim 7 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). For the purpose of applying art, it will be presumed that claim 7 will be dependent on claim 6.

7. Claim 9 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). For the purpose of applying art, it will be presumed that claim 9 will be dependent on claim 6.

8. Claim 12 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). For the purpose of applying art, it will be presumed that claim 12 will be dependent on claim 10.

9. Claim 13 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). For the purpose of applying art, it will be presumed that claim 13 will be dependent on claim 12.

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10. Claim 19 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). For the purpose of applying art, it will be presumed that claim 19 will be dependent on claim 18.
11. Claim 20 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). For the purpose of applying art, it will be presumed that claim 20 will be dependent on claim 18.
12. Claim 21 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). For the purpose of applying art, it will be presumed that claim 21 will be dependent on claim 18.
13. Claim 32 is objected to because of the following informalities: On page 41, line 16, Applicant states "...relationships of the layers in group *of layers*." It is believed Applicant meant to write "...relationships of the layers in group *of layers*." Appropriate correction is required.

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14. Claim 34 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). For the purpose of applying art, it will be presumed that claim 34 will be dependent on claim 33.
15. Claim 35 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). For the purpose of applying art, it will be presumed that claim 35 will be dependent on claim 34.
16. Claim 36 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). For the purpose of applying art, it will be presumed that claim 36 will be dependent on claim 35.
17. Claim 37 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). For the purpose of applying art, it will be presumed that claim 37 will be dependent on claim 36.
18. Claim 38 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP

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§ 608.01(n). For the purpose of applying art, it will be presumed that claim 38 will be dependent on claim 37.

***Claim Rejections - 35 USC § 112***

19. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20. Claims 34-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A single claim which claims both a computer readable medium and the method steps of using the medium is indefinite under 35 U.S.C. 112, second paragraph as it is ambiguous.

21. Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. In *Ex parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990), a claim directed to an automatic transmission workstand and the method steps of using it was held to be ambiguous.

*Claim Rejections - 35 USC § 101*

22. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

23. Claim 35 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as the claim is not limited to tangible embodiments, citing a computer readable data signal in a transmission medium. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

24. Claims 36 and 37 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as the claim is not limited to tangible embodiments, citing a client and server respectively. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

25. Claim 38 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as the claim is not limited to tangible embodiments, citing a system. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

26. Claims 34-38 are rejected under 35 U.S.C. 101 because the claimed invention overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. *Id.* at 1551.



*Claim Rejections - 35 USC § 102*

27. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

28. Claims 1-7, 9-15, 22-25, 27, 28, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Colby et al. (WO 98/37699).

29. With respect to claim 1, Colby teaches a method of converting a media bitstream, encoded in one of many possible original compression formats (Colby, page 9, lines 22-24), into a layered file in a new format that can be reconstructed as a media file at a device to meet quality criteria specified by the device, the new format remaining the same irrespective of the original compression format so that the media file can be manipulated without detailed information relating to the original compression format used (Colby, page 12, lines 4-13).

30. With respect to claim 2, Colby teaches the invention described in claim 1, including the method comprising the step of structuring the media bitstream at an encoder using a protocol which converts the media bitstream into a file with a structure including layers (Colby, page 13, lines 10-12) which sit in a dependency hierarchy and groups of those layers which are related by dependency (Colby, page 16, lines 10-13).

31. With respect to claim 3, Colby teaches the invention described in claim 2, including the method further comprising the step of the encoder adding a unique label to each layer as part of the protocol (Colby, page 11, lines 9-13).
32. With respect to claim 4, Colby teaches the invention described in claim 3, including the method in which the quality criteria include one or more of the following: scale, fidelity, colour, temporal blur (Colby, page 17, lines 23-26).
33. With respect to claim 5, Colby teaches the invention described in claim 2, including the method where the particular aspects of a media file that a layer can represent include temporal resolution, spatial resolution, sample distortion and colour depth (Colby, page 17, lines 11-14).
34. With respect to claim 6, Colby teaches the invention described in claim 3, including the method where allocation of labels to layers is done such that all layers have a numerically lower label value than those that depend on them (Colby, page 17, lines 23-26). It would stand to reason that the layers following an initial layer would all have a higher presentation stamp indicating that they occur after the initial layer.
35. With respect to claim 7, Colby teaches the invention described in claim 6, including the method in which the encoded file is generated using a wavelet transform and subsequent compression (Colby, page 9, lines 22-24).

36. With respect to claim 9, Colby teaches the invention described in claim 6, including the method in which the encoded file is generated using block-based transform and subsequent compression (Colby, page 9, lines 22-24).
37. With respect to claim 10, Colby teaches the invention described in claim 9, including the method in which the encoding scheme is DV (Colby, page 10, lines 6-13).
38. With respect to claim 11, Colby teaches the invention described in claim 9, including the method in which the subsequent compression utilizes motion compensation (Colby, page 10, lines 10-13).
39. With respect to claim 12, Colby teaches the invention described in claim 10, including the method in which the encoding scheme is MPEG (Colby, page 10, lines 6-13).
40. With respect to claim 13, Colby teaches the invention described in claim 12, including the method where a codebook is used to store information that maps the properties of a particular encoding into a form conformable to the layered new format (Colby, page 21, "Frame Sequence Table").
41. With respect to claim 14, Colby teaches the invention described in claim 13, including the method where each codebook entry represents a label (Colby, page 21, "Frame Sequence Table," "PTS").

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42. With respect to claim 15, Colby teaches the invention described in claim 14, including the method where each codebook entry includes a field that specifies the set of labels upon which the current label depends (Colby, page 21, "Frame Sequence Table," "Slide Translation").
43. With respect to claim 22, Colby teaches the invention described in claim 2, including the method where slices are selected from, or merged into, a stream so that upon decoding the stream, the media file received by the device satisfies criteria specified by that device (Colby, page 28, lines 10-23).
44. With respect to claim 23, Colby teaches the invention described in claim 22, including the method where a slice filter is used to define the selection of slices (Colby, page 24, line 31 – page 25, line 6).
45. With respect to claim 24, Colby teaches the invention described in claim 23, including the method where the slice filter is derived from the dependence hierarchy of slices (Colby, page 24, line 31 – page 25, line 6).
46. With respect to claim 25, Colby teaches the invention described in claim 24, including the method where a codebook is used to provide the dependence hierarchy for slices for a particular encoding scheme, in order to derive the slice filter (Colby, page 27, lines 10-19).

47. With respect to claim 27, Colby teaches the invention described in claim 2, including the method in which a group of slices related by dependency form a context and one or more contexts are selected from, or merged into, a stream so that upon decoding the stream, the media file received by the device satisfies criteria specified by that device (Colby, page 28, lines 10-23).
48. With respect to claim 28, Colby teaches the invention described in claim 27, including the method where a context filter is used to define the selection of contexts (Colby, page 27, lines 10-19).
49. With respect to claim 31, Colby teaches a method of converting a media bitstream, encoded in one of many possible original compression formats (Colby, page 9, lines 22-24), into a layered file in a new format that can be reconstructed as a media file at a device to meet quality criteria specified by the device (Colby, page 12, lines 4-13), in which a codebook is used to store information that maps the properties of the original compression format into a form conformable to a layered representation to generate a consistent view of any media file so that the media file can be manipulated without detailed information relating to the original compression format used.

*Claim Rejections - 35 USC § 103*

50. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

51. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colby and further in view of Kim et al. ("An embedded wavelet video coder using three-dimensional set partitioning in hierarchical trees (SPIHT)").

Colby teaches the invention substantially as claimed including a system and method for encoding and decoding digitized audio/video files prepares a slide show of still images and a low bit rate audio stream which can be downloaded in real time over a typical connection to a computer network, higher quality video and audio being downloaded in successive passes (Colby, see Abstract).

52. With respect to claim 8, Colby teaches the invention described in claim 7, including a method of converting a media bitstream, encoded in one of many possible original compression formats (Colby, page 9, lines 22-24).

Colby does not explicitly teach the use of the SPIHT algorithm.

However, Kim teaches the method in which the subsequent compression is SPIHT compression (Kim, page 254, "3D SPIHT Video Coding System and Implementation Details" – page 255, first paragraph.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Colby in view of Kim in order to enable the use of the SPIHT algorithm. One would be motivated to do so in order to improve the visual results of a compressed video file.

53. Claims 16-21, 26, 29, 30, and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colby and further in view of Proctor et al. (U.S. 5,805,228).

Colby teaches the invention substantially as claimed including a system and method for encoding and decoding digitized audio/video files prepares a slide show of still images and a low bit rate audio stream which can be downloaded in real time over a typical connection to a computer network, higher quality video and audio being downloaded in successive passes (Colby, see Abstract).

54. With respect to claim 16, Colby teaches the invention described in claim 15, including the method where each codebook entry includes a field that specifies the set of labels upon which the current label depends (Colby, page 21, "Frame Sequence Table," "Slide Translation").

Colby does not explicitly teach the use of a quality parameter field.

However, Proctor teaches the method where each codebook entry includes a quality parameter field that specifies the quality of reconstructed media that results from the inclusion of a layer with the label associated with that entry (Proctor, col. 55, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Colby in view of Proctor in order to enable the use of a quality parameter field. One would be motivated to do so in order to set and view a quality level.

55. With respect to claim 17, Colby teaches the invention described in claim 16, including the method where each codebook entry includes a field that specifies the set of labels upon which the current label depends (Colby, page 21, "Frame Sequence Table," "Slide Translation").

Colby does not explicitly teach the use of a quality parameter field.

However, Proctor teaches the method where the quality parameter field specifies qualities along multiple quality axes (Proctor, col. 55, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Colby in view of Proctor in order to enable the use of a quality parameter field. One would be motivated to do so in order to set and view a quality level.

56. With respect to claim 18, Colby teaches the invention described in claim 17, including the method where each codebook entry includes a field that specifies the set of labels upon which the current label depends (Colby, page 21, "Frame Sequence Table," "Slide Translation").



Colby does not explicitly teach the use of a quality parameter field.

However, Proctor teaches the method where the quality parameter field utilizes textual names to specify qualities along a particular quality axis (Proctor, col. 55, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Colby in view of Proctor in order to enable the use of a quality parameter field. One would be motivated to do so in order to set and view a quality level.

57. With respect to claim 19, Colby teaches the invention described in claim 18, including the method where different codebooks are used to represent different encodings (Colby, page 27, lines 15-19).

58. With respect to claim 20, Colby teaches the invention described in claim 18, including the method where each codebook entry includes a field that specifies the set of labels upon which the current label depends (Colby, page 21, "Frame Sequence Table," "Slide Translation").

Colby does not explicitly teach the use of a quality parameter field.

However, Proctor teaches the method where different codebooks use identical quality axes to represent quality parameters within the media (Proctor, col. 55, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Colby in view of Proctor in order to enable the use of a quality parameter field. One would be motivated to do so in order to set and view a quality level.

59. With respect to claim 21, Colby teaches the invention described in claim 18, including the method where each codebook entry includes a field that specifies the set of labels upon which the current label depends (Colby, page 21, "Frame Sequence Table," "Slide Translation").

Colby does not explicitly teach the use of a quality parameter field.

However, Proctor teaches the method where the textual names that specify qualities along a particular quality axis are allocated and used in an identical way in all codebooks that use that quality axis (Proctor, col. 55, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Colby in view of Proctor in order to enable the use of a quality parameter field. One would be motivated to do so in order to set and view a quality level.

60. With respect to claim 26, Colby teaches the invention described in claim 23, including the method where a slice filter is used to define the selection of slices (Colby, page 24, line 31 – page 25, line 6).

Colby does not explicitly teach the use of a slice filter as a bitmask.

However, Proctor teaches the method where the slice filter is implemented as a bitmask where 'zero' and 'one' at bit positions  $n$  specifies whether the slice with label ( $n$ ) is or is not required in the filtered bitstream (Proctor, col. 23, line 58 – col. 24, line 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Colby in view of Proctor in order to enable the use of a slice filter as a bitmask. One would be motivated to do so in order to allow for differing compression rates.

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61. With respect to claim 29, Colby teaches the invention described in claim 28, including the method where a slice filter is used to define the selection of slices (Colby, page 24, line 31 – page 25, line 6).

Colby does not explicitly teach the use of a slice filter as a bitmask.

However, Proctor teaches the method where the context filter is implemented as a bitmask where 'zero' and 'one' at bit positions  $n$  specifies whether the context label ( $n$ ) is or is not required in the filtered bitstream (Proctor, col. 23, line 58 – col. 24, line 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Colby in view of Proctor in order to enable the use of a slice filter as a bitmask. One would be motivated to do so in order to allow for differing compression rates.

62. With respect to claim 30, Colby teaches the invention described in claim 29, including the method where a bitwise OR operation is used to compute a context filter value resulting from the merging of two filtered streams (Colby, page 22, line 13 – page 23, lines 15).

63. With respect to claim 32, Colby teaches the invention described in claim 1, including the method comprising the step of structuring the media bitstream at an encoder using a protocol which converts the media bitstream into a file with a structure including layers (Colby, page 13, lines 10-12) which sit in a dependency hierarchy and groups of those layers which are related by dependency (Colby, page 16, lines 10-13), the protocol further including the step of adding unique labels to each slice as encoding proceeds (Colby, page 11, lines 9-13) and

where a codebook defines the dependency hierarchy for each layer label (Colby, page 27, lines 10-19).

Colby does not explicitly teach the use of a quality parameter field.

However, Proctor teaches the method also defines certain quality relationships of the layers in a group of layers (Proctor, col. 55, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Colby in view of Proctor in order to enable the use of a quality parameter field. One would be motivated to do so in order to set and view a quality level.

64. With respect to claim 33, Colby teaches the invention described in claim 32, including the method where each codebook entry includes a field that specifies the set of labels upon which the current label depends (Colby, page 21, "Frame Sequence Table," "Slide Translation").

Colby does not explicitly teach the use of a quality parameter field.

However, Proctor teaches the method in which the codebook references a limited number quality parameters (Proctor, col. 55, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Colby in view of Proctor in order to enable the use of a quality parameter field. One would be motivated to do so in order to set and view a quality level.

65. With respect to claim 34, Colby teaches the invention described in claim 32, including a media file which has been reconstructed from a bitstream (Colby, page 12, lines 4-13).

66. With respect to claim 35, Colby teaches the invention described in claim 34, including a computer readable data signal in a transmission medium which can be reconstructed as a media file (Colby, page 12, lines 4-13).

67. With respect to claim 36, Colby teaches the invention described in claim 35, including a computer program which when running on a client enables the client to receive and playback a media file reconstructed from a bitstream which has been converted (Colby, page 12, lines 4-13).

68. With respect to claim 37, Colby teaches the invention described in claim 36, including a computer program which when running on a server or encoder enables the server or encoder to perform any of the above methods (Colby, page 8, lines 18-21).

69. With respect to claim 38, Colby teaches the invention described in claim 37, including a system for delivering media files over the Internet comprising an encoder (Colby, page 8, lines 18-21); a server for storing encoded layered files; a filter to specify which elements of an encoded layered file stored on the server are to be transmitted; and an output connection to deliver the specified elements to a client device over the Internet (Colby, page 12, lines 4-13).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay  
August 17, 2005

  
**BHARAT BAROT**  
**PRIMARY EXAMINER**